

US EPA ARCHIVE DOCUMENT

Ontario's Toxics Reduction Act

Great Lakes Binational Toxics Strategy
Substances and Sectors Work Group Meeting
December 2, 2009

Protecting our environment.



Ontario

Overview

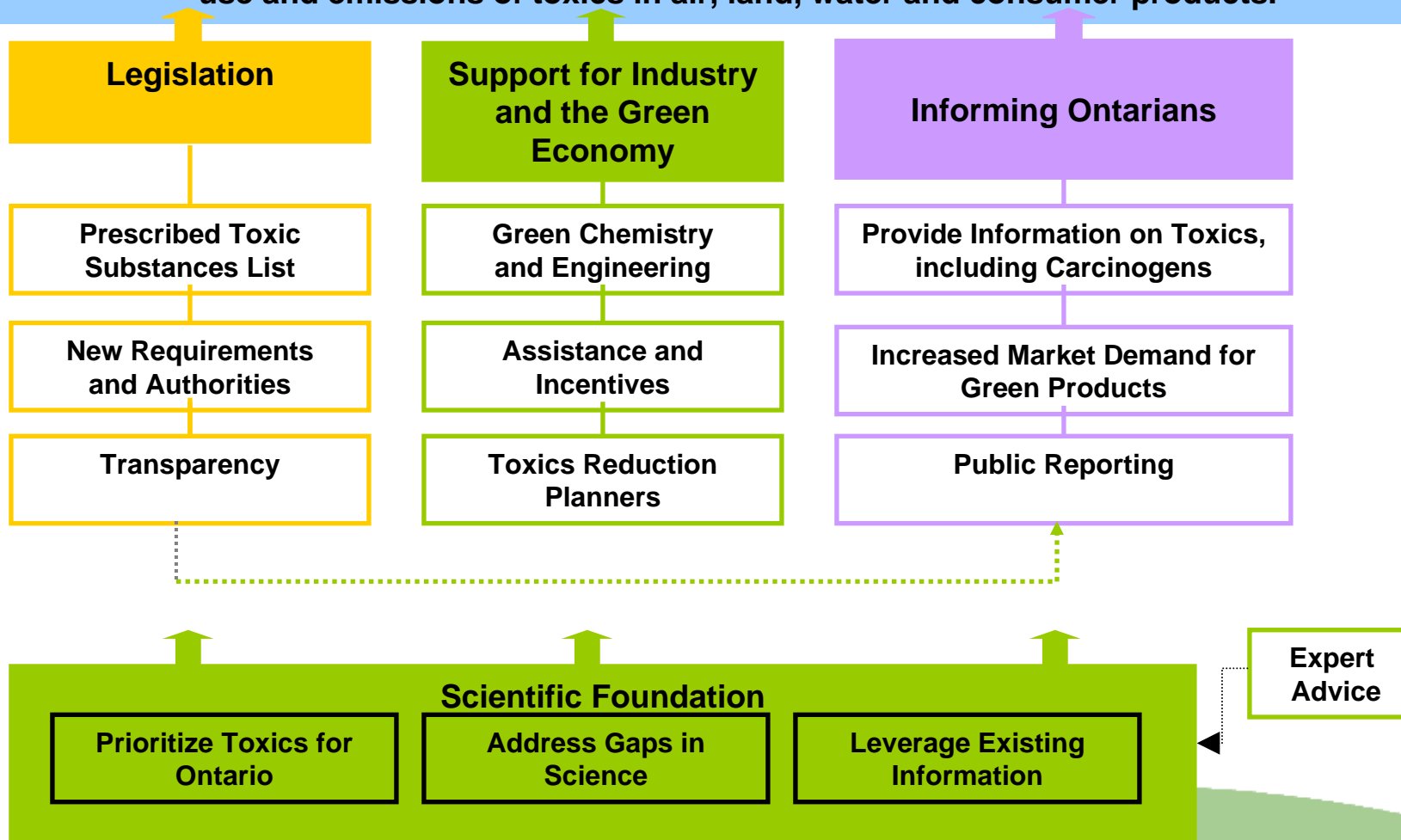
- Background
- Overview of the Toxics Reduction Strategy (TRS)
- Prioritization of TRS substances
- Review of TRS substances
- Links to other provincial and federal programs

Background

- In November 2007, the Ontario government committed to introduce new toxics reduction legislation to reduce pollution and inform and protect Ontarians from toxic chemicals in the air, water, land and consumer products
- In response, the Ministry of the Environment developed a Toxics Reduction Strategy
 - With support of Minister's Toxics Reduction Scientific Expert Panel
 - In consultation with stakeholders and the public

TRS Key Elements

OBJECTIVE: To help protect the health and environment of Ontarians by reducing the use and emissions of toxics in air, land, water and consumer products.



Legislation

- Toxics Reduction Act, 2009, passed June 2009
- Legislation to reduce use and creation of toxics in Ontario
- Complements existing legislation already in place to control releases to the environment
- Phased implementation



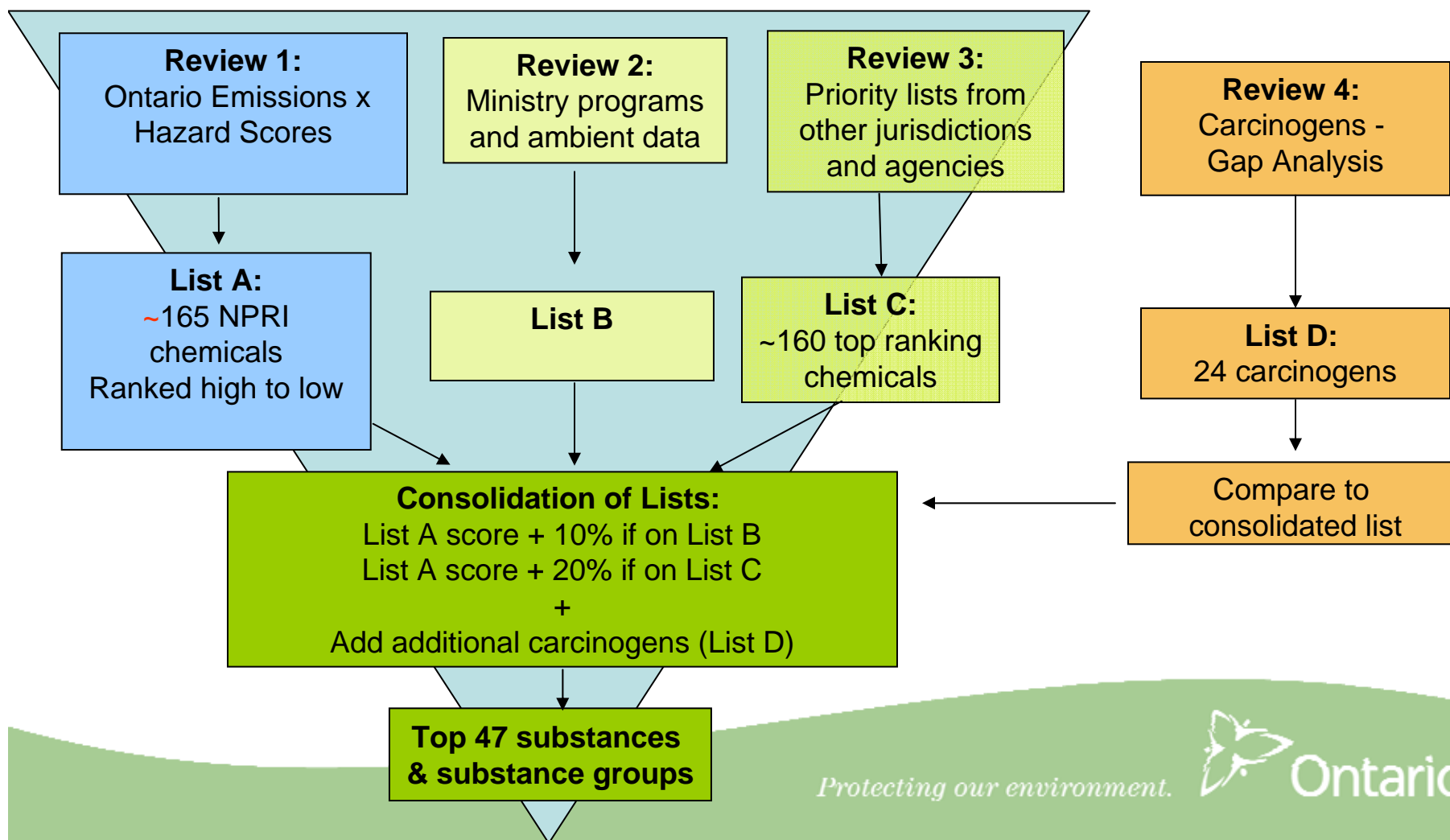
Legislation – Toxic Substances

- Toxic Substances
 - Facilities that use or create prescribed toxic substances and meet criteria in regulation must:
 - Undertake toxic substance accounting
 - Prepare a toxic substance reduction plan
 - Report to the government and the public
 - Starting point for developing list: current emissions inventories in Ontario
 - National Pollutant Release Inventory (NPRI)
 - Ontario Regulation (O. Reg.) 127/01 (Airborne Contaminant Discharge Monitoring and Reporting Regulation)
 - Analogous to the US EPA's Toxics Release Inventory (TRI) used by Massachusetts in its Toxics Use Reduction program

Legislation – Toxic Substances

- Phase 1
 - The MOE identified a short list of NPRI substances that would be included in the first phase of the Act's implementation
 - Based on four reviews (considering Ontario and/or Great Lakes environment and health):
 1. Ontario emissions data and published hazard scores
 2. MOE program relevance
 3. Jurisdictional and program scan
 4. Carcinogens
 - Prioritization process carried out in consultation with the Minister's Toxics Reduction Scientific Expert Panel

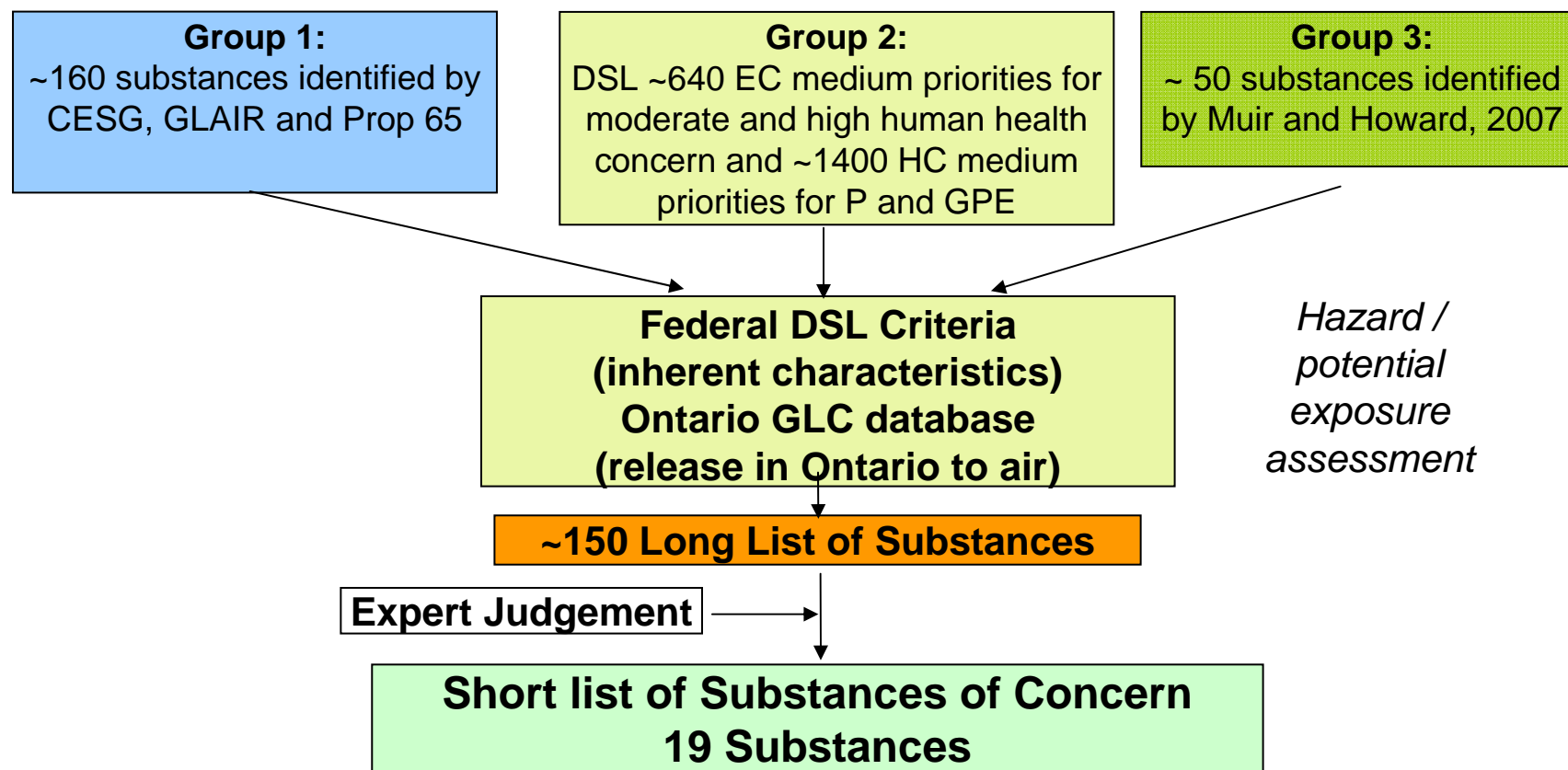
Screening of Substances for Phase 1



Legislation – Substances of Concern

- Information collection provisions in the Act for substances that are not currently tracked through release inventories
- May prompt action under the TRS or another ministry program:
 - For example:
 - TRS – Support for Industry and a Green Economy
 - TRS – Informing Ontarians
 - Other MOE program - Research and monitoring
- Substances of Concern identified through a review of several inventories (national as well as Great Lakes-specific inventories) using criteria applied in the federal categorization exercise
- Short list established using expert judgement in cooperation with a subgroup of the Minister's Toxics Reduction Scientific Expert panel

Screening of Substances Of Concern



CESG = Cancer and Environment Stakeholder Group, GLAIR=Great Lakes Regional Air Toxic Emissions Inventory, Prop 65=California Proposition 65, EC=Environment Canada, HC=Health Canada, P=persistence, GPE= Greatest Potential for Human Exposure; B=bioaccumulation, iT=inherently toxic, DSL=Domestic Substances List, GLC=Ground Level Concentration database

Criteria Applied to Substances of Concern

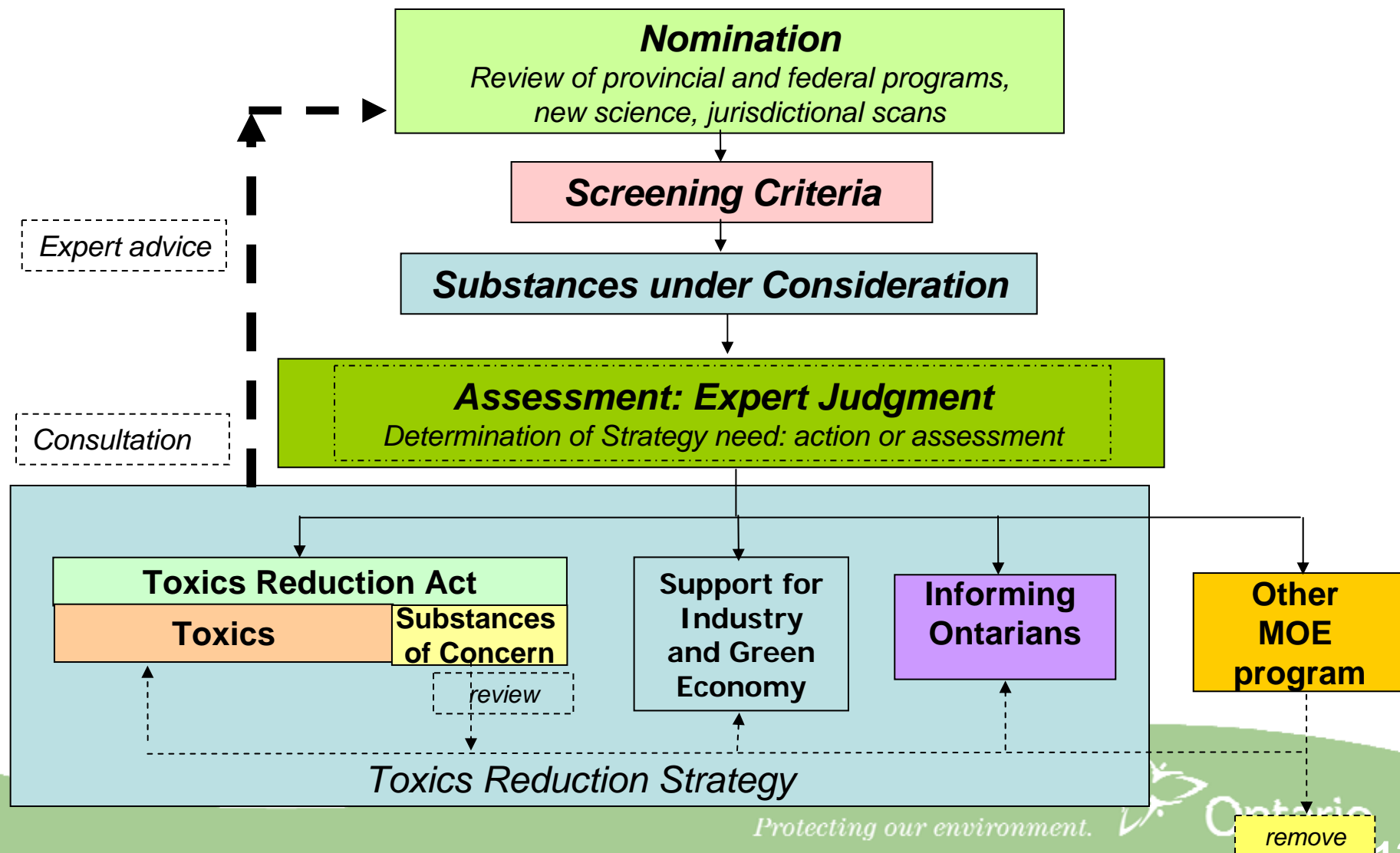
Inventory	GLC	DSL Categorization Criteria				
		P	B	iTaq	GPE	HH concern
GLAIR + Prop 65 + CCO And Muir and Howard (~ 200)	X	X	X	X		
	X	X		X		X
	X		X	X		X
	X	X			X	X
	X			X		X
EC DSL medium priorities (~1440)	X	X		X		X
	X		X	X		X
HC DSL medium priorities (~640)	X	X			X	X
	X			X		X

P=persistence B=bioaccumulation iTaq=inherent toxicity to aquatic organisms GPE=greatest potential for human exposure HH concern=human health concern GLC = Ground Level Concentration database

Legislation - Maintaining The Lists

- The Living List Process: Scientific review of substances at least every five years to:
 - Identify new substances for action; or
 - Move substances between lists; or
 - Delete substances / assign to another program (e.g., Great Lakes monitoring programs)
- Consultation through the Environmental Registry and stakeholder engagement
- Opportunity for individuals to make recommendations on the addition or removal of substances during a specific window of time as part of the Act's requirement for the Minister to review the lists at least once every five years

Draft Living List Process



TRS Links to the Great Lakes

- Contributes to commitments under the Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem (COA)
- Supports coordination of provincial toxics programs and support to industry
- Provides mechanism for sharing information between federal and provincial governments; provides regional focus for federal Chemicals Management Plan



Links to COA

- Annex 2: Harmful Pollutants
 - Federal and provincial commitments:
 - Develop framework for sound management of chemicals
 - Provincial TRS and federal Chemicals Management Plan
 - Reduce legacy pollutants
 - E.g., mercury, hexachlorobenzene, Benzo-a-pyrene, dioxins and furans prioritized in Phase 1 of TRS
 - Enhance knowledge – science reviews to assess substances for addition to the TRS or referral to another ministry program
 - E.g., Hazard assessment of substances of emerging concern reviewed by the International Joint Commission informs the development of COA projects as well as TRS initiatives (regulatory work, support to industry and/or information for the public)

Links to Provincial Toxics Programs

- Early thinking is to maximize consistency, efficiency and integration with other ministry toxics programs through Living List process
 - Communicate priorities and requirements of various programs
 - Address gaps or challenges
 - Identify opportunities to support green innovation by industry to reduce use, generation or release of toxics



Links to Federal Programs

- Living list process would include review of federal program information and alignment with federal priorities
- Provides opportunity for collaborative work to address priorities of both the TRS and CMP
- Provides regional focus to national program and potential for cooperation/ collaboration in the Great Lakes Basin



For More Information:

ONTARIO'S TOXICS REDUCTION STRATEGY

<http://www.ene.gov.on.ca/en/toxics/index.php>

TOXICS REDUCTION ACT, 2009

http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=2168

NEXT STEPS

<http://www.ene.gov.on.ca/en/news/2009/060301mb.pdf>

BACKGROUNDER ON LISTS

<http://www.ene.gov.on.ca/en/toxics/091801mb.pdf>

DRAFT REGULATION (SEPTEMBER 2009)

<http://www.ebr.gov.on.ca/> Registry Number 010-7792

DISCUSSION PAPER (AUGUST 2008)

<http://www.ebr.gov.on.ca/> Registry Number 010-4374